

**WORKMAN
NYDEGGER**

ATTORNEYS AT LAW

A PROFESSIONAL CORPORATION

1000 EAGLE GATE TOWER

60 EAST SOUTH TEMPLE

SALT LAKE CITY, UTAH 84111

TELEPHONE (801) 533-9800

FACSIMILE (801) 328-1707



RICK D. NYDEGGER
BRENT P. LORIMER
THOMAS R. VUKSINICK
LARRY R. LAYCOCK
JONATHAN W. RICHARDS
DAVID R. WRIGHT
JOHN C. STRINGHAM
JOHN M. GUYNN
CHARLES L. ROBERTS
DANA L. TANGREN
ERIC L. MASCHOFF
CHARLES J. VEVERKA
ROBYN L. PHILLIPS
RICHARD C. GILMORE†
STERLING A. BRENNAN†
GREGORY M. TAYLOR
DAVID B. DELLENBACH
R. BURNS ISRAELSEN
DAVID R. TODD
L. DAVID GRIFFIN
ADRIAN J. LEE
FRASER D. ROY
CARL T. REED

R. PARRISH FREEMAN, JR.
PETER F. MALEN, JR.
L. REX SEARS, PH.D.
ERIC M. KAMERATH
ROBERT E. AYCOCK
JENS C. JENKINS
KEVIN W. STINGER
WILLIAM J. ATHAY
MICHAEL B. DODD
WILLIAM R. RICHTER
RYAN D. BENSON
SARA D. JONES
TIGE KELLER
JANNA L. JENSEN
MATTHEW D. TODD
J. LAVAR OLDHAM
MICHAEL J. FRODSHAM
JOSEPH L. KRUPA
BRETT A. HANSEN
BRETT I. JOHNSON
MATTHEW A. BARLOW
WESLEY C. ROSANDER
ANDREW S. HANSEN
CHAD E. NYDEGGER
JOSEPH G. PIA
CLINTON E. DUKE

† ADMITTED ONLY IN CALIFORNIA

PATENTS

TRADEMARKS

COPYRIGHTS

TRADE SECRETS

UNFAIR COMPETITION

LICENSING

COMPLEX LITIGATION

MAILING ADDRESS:

P.O. BOX 45862

SALT LAKE CITY, UT 84145

INTERNET

HOME PAGE: <http://www.wnpatent.com>GENERAL E-MAIL: info@wnpatent.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Steve Klotz et al.

Art Unit
Unknown

Serial No.:

10/661,901

Filing Date:

September 12, 2003

For:

NETWORK ANALYSIS TOPOLOGY
DETECTION

Examiner:

Unknown

TRANSMITTAL FOR REVOCATION AND SUBSTITUTE POWER OF ATTORNEY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

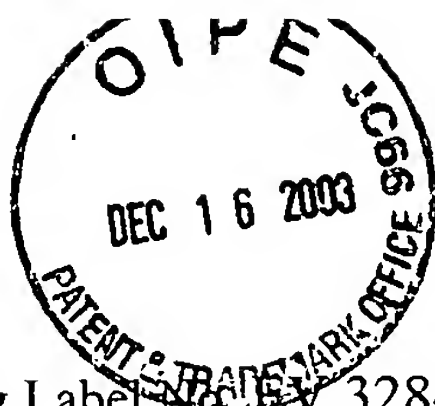
Sir:

Transmitted herewith for filing is a Revocation and Substitute Power of Attorney. A duplicate copy of this letter is enclosed.

Dated this 16 day of Dec., 2003.

Respectfully submitted,

R. Burns Israelson
Attorney for Applicant
Registration No. 42,685
Customer Number 022913



Express Mailing Label No. EV 328471396 US

PATENT APPLICATION

Docket: 15436.252.2.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Steve Klotz et al.

Art Unit
Unknown

Serial No.:

10/661,901

Filing Date:

September 12, 2003

For:

NETWORK ANALYSIS TOPOLOGY
DETECTION

Examiner:

Unknown

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 16 day of December 2003:

- Transmittal for Revocation and Substitute Power of Attorney (1 page)
- Revocation and Substitute Power of Attorney with Exhibits A and B (7 pages)
- Change of Attorney Docket Number (2 pages)
- Postcard

Respectfully submitted,

Kimberly Kendrick
Paralegal to R. Burns Israelsen

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|--|---------------------|
| In re application of | Steve Klotz et al. | Art Unit Unknown |
| Serial No.: | 10/661,901 | |
| Filing Date | September 12, 2003 | |
| For: | NETWORK ANALYSIS TOPOLOGY DETECTION | |
| Examiner: | Unknown | |

REVOCATION AND SUBSTITUTE
POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR 3.73(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Frank H. Levinson, state that I am Chairman of the Board of Finisar Corporation and that I am authorized to execute this Revocation and Substitute Power of Attorney on behalf of Finisar Corporation.

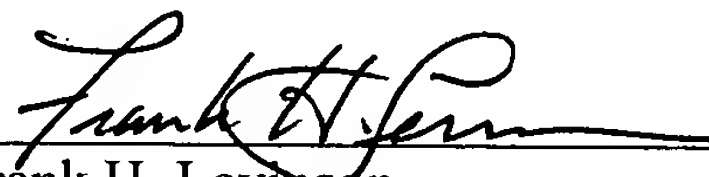
I further state that Finisar Corporation is the assignee of the entire interest of the above-identified patent or patent application as shown by the assignment(s) recorded in the U.S. Patent and Trademark Office at the Reel and Frame identified in Exhibit A; The assignee, Finisar Corporation, hereby revokes all previous powers of attorney in the above-identified application, which is included in the schedule of U.S. Patents and Patent Applications of Exhibit B, and now hereby appoints all attorneys under customer number 022913 of WORKMAN NYDEGGER, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, as attorneys with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the Patent and Trademark Office connected therewith.

All correspondence and telephonic communication should be directed to:

ERIC L. MASCHOFF
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

This Revocation and Substitute Power of Attorney and Statement Under 37 CFR 3.73(b) is effective for all of the U.S. Patents and Patent Applications of Exhibit B, and shall be filed at the U.S. Patent & Trademark Office in all of said U.S. Patents and Patent Applications.

Signed this 24 day of September, 2003.



Frank H. Levinson
Finisar Corporation
1308 Moffet Park Drive
Sunnyvale, California 94089

ASSIGNMENT FOR APPLICATION FOR PATENT

WHEREAS:

Names and Addresses of Inventors:

| | | | |
|----|--|----|---|
| 1) | STEVE KLOTZ 11005 Callanish Austin, TX 78750 | 2) | JASON DAVID MANN 4112 Avenue B Austin, TX 78751 |
| 3) | TIMOTHY LANE MCDANIEL 3401 Parmer, Apt. 825 Austin, TX 78727 | | |

(hereinafter referred to as Assignors), have invented a certain invention entitled:

NETWORK ANALYSIS TOPOLOGY DETECTION

enclosed herewith or for which application for Letters Patent in the United States was filed on
HEREWITH , under Serial No. UNKNOWN , executed on even date herewith; and

WHEREAS, Finisar Corporation, a corporation of the State of Delaware, having a place of business at 1308 Moffett Park Drive, Sunnyvale, CA 94089-1133 (hereinafter referred to as Assignee), is desirous of acquiring the entire right, title and interest in and to said application (hereinafter referred to as Application), and the invention disclosed therein (hereinafter referred to as Invention), and in and to all embodiments of the Invention, heretofore conceived, made or discovered by said Assignors, and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter referred to as Patents) thereon granted in any and all countries and groups of countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Assignors to have been received in full from said Assignee:


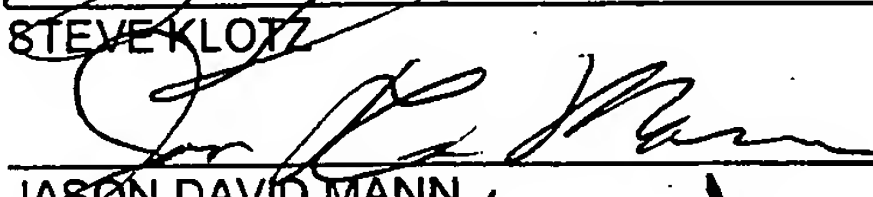
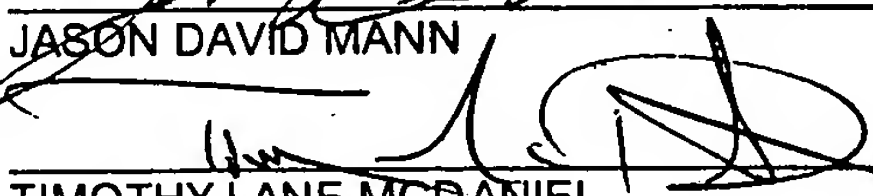
1. Said Assignors hereby sell, assign, transfer and convey to Assignee the full and exclusive right, title and interest (a) in and to said Application and said Invention; (b) in and to all rights to apply for patents on said Invention in any and all countries pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all Applications filed and any and all Patents granted on said Invention in any and all countries and groups of countries, including each and every Application filed and each and every Patent granted on any application which is a division, substitution, or continuation of said Application; and (d) in and to each and every reissue or extension of any of said Patents.

2. Said Assignors hereby covenant and agree to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right, title and interest to said Invention herein conveyed in any and all countries and groups of countries. Such cooperation by said Assignors shall include prompt production of pertinent facts and documents, giving testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said Invention; (d) for filing and prosecuting applications for reissuance of any of said Patents; (e) for interference or other priority proceedings involving said Invention; and (f) for legal proceedings involving said Invention and any application therefore and any Patents granted thereon, including without limitation opposition proceedings, cancellation proceedings, priority contests, public use proceedings, infringement actions and court actions; provided, however, that the expense incurred by said Assignors in providing such cooperation shall be paid for by said Assignee.

3. The term and covenants of this agreement shall inure to the benefit of said Assignee, its successors, assigns and other legal representatives, and shall be binding upon said Assignors, their respective heirs, legal representatives and assigns.

4. Said Assignors hereby warrant and represent that they have not entered and will not enter into any assignment, contract, or understanding in conflict herewith.

IN WITNESS WHEREOF, the said Assignors have executed and delivered this instrument to said Assignee on the dates indicated below.

| | | | |
|----|---------------|--------|--|
| 1) | <u>9/3/3</u> | (DATE) |  STEVE KLOTZ |
| 2) | <u>9/4/03</u> | (DATE) |  JASON DAVID MANN |
| 3) | <u>9/4/03</u> | (DATE) |  TIMOTHY LANE MCDANIEL |

C:\N\Portbl\Manage\CLUNN\127962_1.DOC

EXHIBIT B
Patents and Patent Applications Subject to Revocations and Substitute Power of Attorney

| WNS File # | Previous Law Firm Ref. # | Title | Serial # | Filing Date | Confirmation # | Patent # | Issue Date |
|---------------|--------------------------|--|----------|-------------|----------------|----------|------------|
| 15436.252.1.1 | FNSR/1001 | NETWORK ANALYSIS TOOL | | 12-Sep-03 | | | |
| 15436.252.2.1 | FNSR/1001.02 | NETWORK ANALYSIS TOPOLOGY DETECTION | | 12-Sep-03 | | | |
| 15436.252.3.1 | FNSR/1001.03 | NETWORK ANALYSIS SCALABLE ANALYSIS TOOL FOR MULTIPLE PROTOCOLS | | 12-Sep-03 | | | |
| 15436.252.4.1 | FNSR/1001.04 | NETWORK ANALYSIS OMISCIENT LOOP STATE MACHINE | | 12-Sep-03 | | | |
| 15436.252.5.1 | FNSR/1001.05 | NETWORK ANALYSIS SAMPLE MANAGEMENT PROCESS | | 12-Sep-03 | | | |
| 15436.252.6.1 | FNSR/1001.06 | NETWORK EXPERT ANALYSIS PROCESS | | 12-Sep-03 | | | |
| 15436.252.7.1 | FNSR/1001.07 | NETWORK ANALYSIS GRAPHICAL USER INTERFACE | | 12-Sep-03 | | | |



EXPRESS MAILING LABEL NO. EV 328 1396 US

PATENT APPLICATION
Docket No.: 15436.252.2.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|----------------------|--|---------------------|
| In re application of | Steve Klotz et al. | Art Unit Unknown |
| Serial No.: | 10/661,901 | |
| Filing Date: | September 12, 2003 | |
| For: | NETWORK ANALYSIS TOPOLOGY DETECTION | |
| Examiner: | Unknown | |

CHANGE OF ATTORNEY DOCKET NUMBER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

For convenience and ready identification of the papers received in connection with the above-identified patent application, please reference in all future communications my Docket No. 15436.252.2.1. All communications should be addressed to:

ERIC L. MASCHOFF
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
(801) 533-9800

Dated this 16 day of Dec., 2003.

Respectfully submitted,



R. BURNS ISRAELSEN
Attorney for Applicant
Registration No. 42,685
Customer Number 022913